

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

**ENDURANCE AMERICAN SPECIALTY
INSURANCE COMPANY**

PLAINTIFF

VS.

CIVIL ACTION NO. 3:19CV548-DCB-FKB

**U.S. CONSOLIDATED, INC.,
U.S. CONSOLIDATED GROUP LLC, AND
CITY OF JACKSON, MISSISSIPPI**

DEFENDANTS

ANSWER AND AFFIRMATIVE DEFENSES OF CITY OF JACKSON, MISSISSIPPI

Comes Now the City of Jackson, Mississippi (City”), one of the defendants in the above captioned cause, who hereby answers the Complaint as follows:

First Affirmative Defense

The City adopts all affirmative defenses of Defendants U.S. Consolidated, Inc. and U.S. Consolidated Group LLC.

Answer

Having asserted its Affirmative Defenses the City answers the Complaint as follows:

1. The City admits that this is an action for declaratory judgment but lacks knowledge or information sufficient to form a belief about the truth of all other allegations contained in this paragraph.
2. The City admits that the Plaintiff is seeking a declaratory judgment regarding whether its policy of insurance provides coverage to the Defendants U.S. Consolidated, Inc. and

U.S. Consolidated Group LLC for the claims made in the state court civil action filed by the City against the aforesaid Defendants and that Exhibit D to the Complaint is a true and correct copy of the complaint in the aforesaid state court civil action. The City lacks knowledge or information sufficient to form a belief about whether the insurance policy in question provides coverage to Defendants U.S. Consolidated, Inc. and U.S. Consolidated Group LLC, or whether the Plaintiff is under any duty to defend or indemnify these defendants, and will look to the pleadings of the aforesaid Defendants for guidance.

3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.
11. Generally admitted as to what is expressly alleged in the City's complaint.
12. Generally admitted as to what is expressly alleged in the City's complaint.
13. Generally admitted as to what is expressly alleged in the City's complaint.
14. Generally admitted as to what is expressly alleged in the City's complaint.

15. Generally admitted as to what is expressly alleged in the City's complaint.

16. Generally admitted as to what is expressly alleged in the City's complaint.

17. Generally admitted as to what is expressly alleged in the City's complaint.

18. Generally admitted as to what is expressly alleged in the City's complaint.

19. Generally admitted as to what is expressly alleged in the City's complaint.

20. Generally admitted as to what is expressly alleged in the City's complaint.

21. Generally admitted.

22., 23., 24., 25., 26., and 27. The City admits that paragraphs 22 through 27 of the Complaint contain language from the insurance policy in question, which are attached as Exhibits "A", "B", and "C" of the Complaint.

28. The City reasserts its admissions and denials set forth in paragraphs 21 through 27.

29. Admitted.

30. Denied.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

35. Denied.

36. Denied.

37. Denied.

38. Denied.

39. Denied.

The City denies that the Plaintiff is entitled to the relief requested in its REQUEST FOR RELIEF.

Respectfully submitted this the 3rd day of September, 2019.

CITY OF JACKSON, MISSISSIPPI

BY: /s/ Samuel L. Begley, Esq.
Samuel L. Begley, Esq.
One of Its Attorneys

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CERTIFICATE OF SERVICE

I, Samuel L. Begley, certify that on this date I electronically filed the foregoing motion with the Clerk of the Court using the ECF system which sent notification of such filing to

TIMOTHY M. PEEPLES - BAR # 100103 tpeeples@danielcoker.com

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DATED: September 3, 2019

/s/ Samuel L. Begley
Samuel L. Begley